IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 710(S/S) 2007

Smt. Hansa Verma W/o Sri Sanjay Kumar Verma,
Assistant Teacher, Primary School, Jakhsaura,
Takula, Almora. ---------Petitioner.

Vs.

1. State of Uttarakhand through Secretary Education (Basic), Uttarakhand, Dehradun,
2. District Education Officer, Almora,
3. Addl. District Education Officer, (Basic), Almora. --------Respondents.

Sri Vikas Pandey, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vikas Pandey, learned Counsel for the petitioner and Paresh Tripathi, learned Standing Counsel for State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reilefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the order dated 11.06.2007 (annexure no.2) passed by the respondent no. 3 so far it relates to the petitioner,

ii. Issue a writ, order or direction in the nature of ad interim mandamus directing the respondents not to interfere in the working of the petitioner as Assistant Teacher in Primary School, Jakhsaura,

iii. Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the nature and circumstances of the case,

iv. Award the cost of the petition.

Submission of the learned counsel for the petitioner is that the petitioner was initially appointed on 21st March 1996 at Kiroli, Didihat, district Pithoragarh. Thereafter the petitioner was transferred in the year 1998 at Thapla. These two places, where the petitioner had served, fall entirely in the remote areas of the respective Vikas Khand. Grievances of the petitioner is that though the petitioner had joined at her present place of posting vide transfer order dated 21.06.2006, but the respondents within a short span of time of one year have again transferred the petitioner from Jakhsaura to Thapla i.e. from remote area to remotest area vide transfer order darted 11th June 2007. it is submitted that the petitioner is continuously serving in the remote areas. By making impugned transfer within a period of one year, so far it relates to the petitioner, itself violates the transfer policy adopted by the Govt. Thus, the impugned transfer order is arbitrary and in contravention to the Govt. Policy.

In the circumstances mentioned above, the petitioner is directed to move representation raising all her grievances before the District Education Officer, Almora within ten days from today. In case, the petitioner complies with the directions of this Court, the District Education Officer, after receiving representation from the petitioner, shall take decision on the same by passing a speaking order on the points raised by the petitioner in her representation, within a period of two weeks from the date of receiving representation alongwith a certified copy of this order. Till the representation is decided by the respondent no. 2 or till 31st July 2007, whichever is earlier, the impugned order dated 11th June 2007 passed by the Addl.

District Education Officer, (Basic) Almora, so far it relates to the petitioner, shall not be given effect to.

The petitioner is directed to submit a certified copy of this order before the respondent no. 2 within ten days from today.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

July 6, 2007:

NCM: